



Ref no. APRA15/002772

22 October 2015

Julie Simpson

By email: foi+request-1239-54499926@righttoknow.org.au

Dear Julie Simpson

Notice under section 29 of the *Freedom of Information Act 1982*

I refer to your request under section 15 of the *Freedom of Information Act 1982 (FOI Act)* dated 23 September 2015 (**FOI request**), seeking:

"... a copy of a Consolidation Deed of Variation dated 6 May 1958 for a superannuation fund where the sponsoring employer is Elder Smith & Co Limited."

Notice of charge in respect of processing the FOI Request

I am writing to advise you of my decision under regulation 3 of the *Freedom of Information (Charges) Regulations 1982 (the Regulations)* that you are liable to pay a charge in respect of processing the FOI request.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is \$15. The following table details the basis of that assessment:

| Basis for my preliminary assessment of the charge | Time | Cost |
|---|--------|----------------|
| Search and retrieval time @ \$15.00 per hour | 1 hour | \$15.00 |
| TOTAL | | \$15.00 |

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed; or
- should be reduced; or
- Should not be imposed.

If you contend that the charge has been wrongfully assessed, or should be reduced or not imposed, you should give full reasons for so contending. In deciding whether a charge should be reduced or not imposed, the decision maker in APRA must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship;
- whether giving access to the document is in the general public interest or in the interest of a substantial section of the public; and
- Any other relevant matter.

The time you have to respond and what you need to do

You are required to notify APRA in writing within 30 days of receipt of this letter if you:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge; or
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons; or
- Withdraw your request.

We therefore expect a response from you by 23 November 2015. If you do not provide us with a written response by this date your request will be taken to have been withdrawn.

Section 29 of the FOI Act does not provide that an Applicant may make a revised request in response to a notice of charge. APRA does not propose to enter into further correspondence about the scope of this request by way of this notice, nor process this request should the scope be modified.

If any documents are located, the decision whether to release those documents would only be made by APRA after consultation with any affected parties and on the basis of any applicable exemptions under the FOI Act, such as documents to which statutory secrecy provisions apply. Accordingly, it is possible that notwithstanding your payment of the charge, APRA may fail to locate any documents, decide not to release any documents, or decide to release some of the relevant documents retrieved and examined.

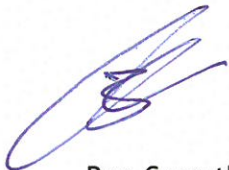
Time period for processing the FOI request

In accordance with section 31 of the FOI Act, the time period for processing your FOI request is suspended from the day that you receive this notice and resumes on either the day that the charge (in full or the required deposit) is received by APRA or the day on which APRA makes a decision not to impose a charge.

Questions about this notice

Please contact me with any questions in respect of this notice or this FOI request.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Ben Carruthers', written in a cursive style.

Ben Carruthers
FOI Officer
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Fax: 02 9210 3430
foi@apra.gov.au